December 19, 2016

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Preservation of One Vacant Channel in the UHF Television Band for Use by White Space Devices and Wireless Microphones*, **MB Docket No. 15-146**

Dear Ms. Dortch:

On December 15, 2016 Michael Calabrese of New America's Open Technology Institute (OTI), Paula Boyd of Microsoft, and John Gasparini of Public Knowledge (hereinafter the "TVWS Advocates"), met with Julius Knapp, chief of the Office of Engineering and Technology (OET), along with OET staff members Geraldine Matise, Ira Keltz, Paul Murray and Matthew Hussey, concerning the above-referenced proceeding.

The TVWS Advocates reiterated their strong support for the Commission's pending proposal to preserve at least one vacant television channel in every market nationwide for unlicensed use, as well as a second channel in any market where a TV station is repacked into the Duplex Gap post-auction. We emphasized the critical importance of an early Commission decision to relieve the longstanding uncertainty about whether a minimum of at least three channels of unlicensed spectrum in the ongoing TV band will continue to be available for public use and private investment after the incentive auction. The TVWS Advocates noted that certainty around this minimum level of unlicensed access is already handicapped by the fact that shared access to Channel 37 is secondary to the Wireless Medical Telemetry Service, which will seriously limit availability of the channel for TVWS devices in core urban areas.

Leading chipmakers and other tech industry stakeholders have steadfastly maintained that the post-auction band plan and repacking policies must ensure at least three channels of 6 megahertz of unlicensed access in every market nationwide, especially in the most populated metro markets, to enable many emerging unlicensed use cases and the economic. Otherwise, the social benefits that derive from low-band unlicensed spectrum access for broadband could be lost despite the already enormous investments of time and capital. Once there is certainty of sufficient unlicensed spectrum access nationwide, important benefits including lower barriers of entry for competition and innovation, and broad adoption of the already-developed 802.11af standard for Wi-Fi connectivity and machine-to-machine applications (such

as remote sensing and monitoring) could thrive with access to spectrum with low-band propagation characteristics.

The TVWS Advocates inquired whether there had been any change in OET's previously stated view that continuing to reserve one vacant channel for shared use by unlicensed microphones and other devices is very unlikely to leave any active LPTV station without a channel assignment and the ability to continue serving its viewers. We noted that the results of Google's simulation study of likely Incentive Auction outcomes demonstrate that the vacant-channel proposal will have only a minimal impact on LPTV and translator stations.[1] The study represents the only substantial data in the record that predicts the impact of the Commission pending proposal. Its findings seem even more likely to be accurate if the Incentive Auction closes at the current 84 MHz clearing target, or potentially even lower.

Finally, the TVWS Advocates inquired about the status of the so-called 'push' notification requirement adopted by OET a year ago,[2] as well as OET's ongoing efforts to encourage changes in the practices of TVWS device makers and TV Bands Database administrators to ensure database entries are accurate and updated in a reasonable fashion. We noted that despite continued hand-wringing and breast-beating by the broadcast lobby concerning alleged "errors and inaccuracies" in the TVWS databases, there have been no reports of TVWS operations causing harmful interference to viewers of local over-the-air television.

The TV Bands Database concept is a novel and incredibly promising breakthrough in the Commission's efforts to facilitate more intensive and efficient use of fallow or underutilized bands of spectrum. And while we certainly support changes that will improve the accuracy and currency of TVDB database entries, we also support OET's persistent efforts to find the best balance between public access to unused TV spectrum and legitimate fears of harmful interference to broadcasting.

Respectfully submitted,

/s/ *Michael Calabrese*
Director, Wireless Future Project
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Washington, DC 20005

cc: Julius Knapp
Geraldine Matise
Ira Keltz
Paul Murray
Matthew Hussey

[1] Letter from Austin Schlick, Director, Communications Law, to Marlene Dortch, Secretary, FCC, MB Docket No. 15-146, GN Docket No. 12-268 (filed March 25, 2016).
[2] FCC, Office of Engineering and Technology, "Certification Test procedures for White Space Devices Authorized Under Subpart H of the Part 15 Rules" (Dec. 22, 2015).